



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

News Media Information 202 / 418-0500  
Internet: <http://www.fcc.gov>  
TTY: 1-888-835-5322

**DA 10-558**

**Released: March 29, 2010**

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON REQUEST  
FOR WAIVER FILED BY THE TOWNSHIP OF WOODBRIDGE, NEW JERSEY TO OPERATE  
A TRUNKED PUBLIC SAFETY COMMUNICATIONS SYSTEM USING FREQUENCIES IN  
THE TELEVISION CHANNEL 16 (482-488 MHZ) BAND**

**File No. 0004182796**

**Comment Date: April 19, 2010**

**Reply Comment Date: April 29, 2010**

The Public Safety and Homeland Security Bureau seeks comment on the application and waiver request, filed on March 22, 2010, by the Township of Woodbridge, New Jersey (Woodbridge, or the Township), through its Police Department.<sup>1</sup> Woodbridge seeks waiver relief, pursuant to Section 1.925 of the Commissions rules,<sup>2</sup> to use, for public safety communications purposes, “six frequenc[y] pairs from the 482-488 MHz band” for a trunked public safety communications system.<sup>3</sup>

The Township states that “[o]n December 5, 2008 the Commission granted Woodbridge’s request to be licensed on fifteen frequency pairs in the channel 20 television band (506-512 MHz).”<sup>4</sup> The Township asserts that the “frequencies are the foundation of Woodbridge’s new trunked land mobile system intended to serve police, fire and emergency services and other government responsibilities of Woodbridge and those of adjacent municipalities.”<sup>5</sup> According to Woodbridge, “[t]he system was completed in late summer 2009” with an “approximate cost [of] \$10 million.”<sup>6</sup>

The Township states that “[d]uring system startup and optimization, intermittent interference was identified.”<sup>7</sup> Woodbridge “retained experts to identify the type and strength of the interference” and found that “the source of the interference is the digital signal from television (TV) channel 20 station in

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<sup>1</sup> See File No. 0004182796 (filed March 22, 2010), attachment entitled, “Application and Waiver Request of Woodbridge Township, New Jersey” (Waiver Request).

<sup>2</sup> See 47 C.F.R. § 1.925.

<sup>3</sup> Waiver Request at 1, 4.

<sup>4</sup> *Id.* at 1. See Township of Woodbridge, *Order*, 23 FCC Rcd 17406 (PSHSB PD 2008), and licenses for call signs WQJS363 and WQJS365.

<sup>5</sup> Waiver Request at 1-2.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

Waterbury, Connecticut (WTXX).<sup>8</sup> The Township contends that “[t]he interference is attributed to ducting ...,” which “disables Woodbridge’s system for an unacceptable periods of time for police, fire and emergency response to rely on” because “[t]he network’s portable radios are unable to communicate back to the system.”<sup>9</sup> The Township’s “radio engineering consultant and Motorola, Inc. examined alternatives to filter or otherwise overcome the interference;” however the “effort was unsuccessful.”<sup>10</sup> Woodbridge contends that its “\$10 million investment in radio system infrastructure is now stranded.”

The Township seeks “[t]he Commission’s approval of this application for channel 16 frequencies [to] allow Woodbridge to commence operations of the new system.”<sup>11</sup> Woodbridge asserts that it “will return the channel 20 frequencies to the Commission as soon as the replacement substitute frequencies are deployed and operating effectively.”<sup>12</sup>

Woodbridge notes that “Section 90.303(c) of the Commission’s rules provides that frequencies within TV channel 16, 482-488 MHz, are available for Public Safety Radio Pool eligible agencies in the New York Metropolitan area.”<sup>13</sup> Woodbridge states that its waiver request “is limited to that part of section 90.303(c) that permits operations in New York City, Nassau, Suffolk and Westchester Counties, New York and Bergen County, New Jersey” because the Township “is located in Middlesex County, New Jersey.”<sup>14</sup> Despite the exclusion of Middlesex County from the rule, Woodbridge notes that its location is “directly adjacent to the Borough of Staten Island in New York City, where 482-488 MHz land mobile operations are authorized,”<sup>15</sup> and its location “falls within the service area of the 482-488 MHz band segment.”<sup>16</sup> Therefore, Woodbridge seeks a waiver of Section 90.303(c).<sup>17</sup> Woodbridge provided a technical analysis that “reiterates how Woodbridge operations will conform to all technical parameters detailed in section 90.303(c).”<sup>18</sup> The analysis concludes that “the operation of mobile units will be in [full] compliance with the rules and provide interference protection to television broadcast stations.”<sup>19</sup> Woodbridge states that it “will adhere to the Memorandum of Understanding between the New York City Police Department and the New York Metropolitan Advisory Committee and WEBR CA, licensee of broadcast channel 17 referenced in the Channel 16 Order.”<sup>20</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.* at 5. *See* 47 C.F.R. § 90.303(c).

<sup>15</sup> Waiver Request at 5.

<sup>16</sup> *Id.* at 7.

<sup>17</sup> *Id.* at 9.

<sup>18</sup> *Id.* at 5. *See also* File No. 0004182796, attachment entitled, “Protection Criteria of FCC Rules Section 90.303(c) Operation on TV Channel 16 in the New York/New Jersey Metropolitan Area for the Township of Woodbridge, New Jersey” (Technical Analysis).

<sup>19</sup> Technical Analysis at 1.

<sup>20</sup> Waiver Request at 7 *citing* Letter to Roy Stewart, Chief, Mass Media Bureau from Vincent M. Mansfield, Deputy Chief, Commanding Officer, Office of Technology and Systems Development, New York Police Department, and Young Dae Kwon, President, K Communications, dated March 27, 2000. *See also* Amendment of Parts 2, 73, 74 and 90 of the Commission’s Rules to Permit New York City Metropolitan Area Public Safety Agencies to Use

In support of its request, Woodbridge obtained conditional letters of concurrence from co-channel licensees Nassau County Police Department (Nassau County) and City of New Rochelle, New York (New Rochelle).<sup>21</sup> Nassau County states, “[w]e do not anticipate any harmful interference from Woodbridge Township’s operations, but should it occur, Woodbridge Township will take corrective action to mitigate the harmful interference, or cease operations if the harmful interference cannot be corrected.”<sup>22</sup> Likewise, New Rochelle states, “[n]o harmful interference is anticipated from Woodbridge’s operations, however, should such harmful interference occur, Woodbridge Township would take any and all corrective actions to mitigate the interference, or cease operation if the interference cannot be corrected.”<sup>23</sup> Under these conditions, Nassau County and New Rochelle give their concurrence.<sup>24</sup>

The Frequency Advisor of the Association of Public-Safety Communications Officials, International, Inc. (APCO) reports that “there are no channels in the VHF, UHF, 470 MHz, and 800 [MHz] bands ... available to meet the Township’s needs.”<sup>25</sup> Woodbridge also states that “[c]hannels in the 700 MHz public safety band were seriously considered.”<sup>26</sup> However, “[t]he Region 8 700 MHz plan provides agencies in Middlesex County eight 25 kHz channels.”<sup>27</sup> Woodbridge asserts that “[t]he number of state, regional and local agencies within the County is large; demand for spectrum resources continues to exceed supply.”<sup>28</sup> Woodbridge contends that “[t]here is no realistic opportunity for Woodbridge to obtain adequate capacity.”<sup>29</sup> Woodbridge continues, “[m]ore significantly, Woodbridge’s system was designed and deployed to use UHF spectrum.”<sup>30</sup> Woodbridge concludes, “[t]he cost of now changing the infrastructure to 700 MHz is prohibitive.”<sup>31</sup>

As a part of the analysis under the Commission’s waiver criteria, we seek comment on Woodbridge’s arguments regarding the 700 MHz public safety band and whether the band would provide a viable alternative, particularly since the digital television transition date has passed, and in light of the

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Frequencies at 482-488 MHz, ET Docket No. 03-158, MB Docket No. 03-159, *Report and Order*, 19 FCC Rcd 6719 (2004).

<sup>21</sup> See File No. 0004182796, attached Letter from Lieutenant Thomas M. Golder, Radio Office Supervisor, Nassau County Police Department, to Federal Communications Commission (dated Jan. 18, 2010) (Nassau County Letter) and Letter from Capt. Kevin S. Kealy, Commanding Officer, Staff Services Commander, City of New Rochelle, New York, to Federal Communications Commission (dated Feb. 16, 2010) (New Rochelle Letter).

<sup>22</sup> Nassau County Letter at 1.

<sup>23</sup> New Rochelle Letter at 1.

<sup>24</sup> See Nassau County Letter at 1; New Rochelle Letter at 1.

<sup>25</sup> See File No. 0004182796, attached Letter from Lieutenant Anthony Melia, Essex County Sheriff’s Office, NJ Frequency Advisor, Association of Public-Safety Communications Officials, International, Inc., to William Heinzelman, Township of Woodbridge Police Department (Feb. 28, 2010).

<sup>26</sup> Waiver Request at 8.

<sup>27</sup> *Id.*, citing FCC Regional Planning Committee 8, Public Safety Communications Plan for the 769-775 and 799 to 805 MHz bands, filed in WT Docket 02-378 (April 24, 2008) (Region 8 Plan), Appendix I at page 117.

<sup>28</sup> Waiver Request at 8.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

Commission's actions facilitating a nationwide, interoperable public safety network.<sup>32</sup> Would Woodbridge be able to improve interoperability by using frequencies in the 700 MHz public safety band, rather than using the television T band frequencies?

We further note that the Commission requires private land mobile radio licensees in 150-174 MHz and 450-512 MHz to transition from 25 kHz to 12.5 kHz technology by no later than January 1, 2013,<sup>33</sup> and that Woodbridge holds several licenses in these frequency ranges. Four stations are operating in the wideband mode (20 kHz bandwidth).<sup>34</sup> Three stations are operating in narrowband mode (11.25 kHz bandwidth).<sup>35</sup> We seek comment on whether the Commission should consider the applicant's current progress in achieving this requirement or other measures of spectrum efficiency when determining whether or not the public interest supports the instant waiver request pursuant to rule Section 1.925.

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this *Public Notice*. All comments and reply comments should reference the subject Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Service Licensing System (ULS),<sup>36</sup> or (2) by filing paper copies.

- Electronic Filers: Pleadings may be submitted electronically as follows:

From the ULS website at <http://wireless.fcc.gov/uls/>, begin the process of submitting a pleading by clicking on the "ULS Pleadings" link in the menu on the lower left side of the ULS web page. The link will take you to the "*Pleading Information*" screen for "Non-docketed Pleadings" where you select "Reply" in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: "*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*"<sup>37</sup> Click on "CONTINUE."

The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a

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<sup>32</sup> See Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229; Development of Operational, Technical and Spectrum Requirements for Meeting Federal State and Local Public Safety Communications Requirements through the Year 2010, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007). See also Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Third Further Notice of Proposed Rulemaking*, 23 FCC Rcd 14301 (2008); *Second Further Notice of Proposed Rulemaking*, 22 FCC Rcd 8047 (2008).

<sup>33</sup> See Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, WT Docket No. 99-87, RM-9332, *Third Memorandum Opinion and Order and Third Further Notice of Proposed Rule Making and Order*, 19 FCC Rcd 25045 (2004). See also 47 C.F.R. §§ 90.209(b)(5)-(6).

<sup>34</sup> See licenses for call signs KKK607, WIL224, WNCL911, WNUJ415.

<sup>35</sup> See licenses for call signs WQKI551, WQJS363, and WQJS365.

<sup>36</sup> See "Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings," *Public Notice*, 21 FCC Rcd 424 (WTB 2006). See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-06-125A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf).

<sup>37</sup> See 47 C.F.R. Part 1.

File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the “SUBMIT” button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.

The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The “BROWSE” button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the “ADD ATTACHMENT” button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also have the opportunity to delete any selected file from the pleading.

Finally, to complete your electronic pleading submission, click on the “SUBMIT PLEADING” button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application and License Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <http://esupport.fcc.gov>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2, or (888) 225-5322 and select Option 2, or (717) 338-2888. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to FCC ULS Customer Support Center are recorded.

- Paper Filers: Parties who choose to file by paper must submit an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** The Commission’s former filing location at 236 Massachusetts Avenue, NE is permanently closed.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>. The full text of the Waiver Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., Room CY-A257, Washington, DC 20554. Copies may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington, DC 20554. Customers may contact BCPI through its web site, <http://www.bcpweb.com>, by email at [fcc@bcpweb.com](mailto:fcc@bcpweb.com), by phone at (202) 488-5300 or (800) 378-3160, or by facsimile at (202) 488-5563. For further information regarding the public reference file for this waiver request, contact Lisa Williams, RIC, (202) 418-1352.

Because of the policy implications and potential impact of this proceeding on persons not party to these Applications, it is in the public interest to treat this case as a permit-but-disclose proceeding under the *ex parte* rules. See Sections 1.1200(a) and 1.1206 of the Commission's rules, 47 C.F.R. §§ 1.1200(a) and 1.1206. Therefore, subsequent to the release of this *Public Notice*, *ex parte* presentations that are made with respect to the issues involved in the subject waiver request will be allowed, but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Mr. David Siehl of the Policy Division, Public Safety and Homeland Security Bureau at (202) 418-1313 (voice), (202) 418-7233 (tty), or via e-mail to [David.Siehl@fcc.gov](mailto:David.Siehl@fcc.gov).

By the Deputy Chief, Public Safety and Homeland Security Bureau.

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